

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Mattias Nystrom, et al.
Appln. No. : 10/532,353
Filed : July 5, 2005

Title : HANDLE JOINED OF TWO SECTIONS FOR A HAND HELD ENGINE
POWERED TOOL
Confirm No. : 9063

Customer No. : 00116
Docket No. : ABE1-38148

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**REQUEST FOR CONSIDERATION OF SUPPLEMENTAL AMENDMENT FILED PRIOR TO
MAILING OF OFFICE ACTION**

Sir:

This is a request that the amendment filed February 26, 2009 be considered and if necessary a replacement and/or supplemental Office action be issued.

As mentioned, the supplemental amendment was filed on February 26, 2009. The final Office action was mailed five days later on March 3, 2009. It is noted that currently the electronic records in PAIR have identified the amendment mailed February 26, 2009 as being "amendment crossed in mail". This seems a little unusual since the United States Patent and Trademark Office was clearly in receipt of the amendment five days prior to the mailing of the Office action on March 3, 2009. Moreover, the amendment filed February 26, 2009 was filed electronically.

This matter and a request that the examiner attend to the amendment filed February 26, 2009 was discussed with the examiner in charge of the subject application a few weeks ago. The examiner indicated that he was going to check with his supervisor. Nothing further has been heard back from the examiner.

It is believed that the regulations are clear that the amendment filed February 26, 2009 should be considered. A replacement and/or supplemental Office action should be issued.

It is respectfully submitted that the time clock started via the mailing of the Office action on March 3, 2009 should be suspended, superseded, and/or replaced with a new time clock which should properly start upon issuance of a replacement and/or supplemental Office action.

It is clear that the applicant should not be unduly punished by being forced to adhere to the time clock started up on mailing of the March 3, 2009 Office action.

It is explicitly requested that this matter be attended to and that a written communication be issued by the United States Patent and Trademark Office that attends to this matter and clearly addresses this matter and also clearly addresses the issue of the time clock which started upon mailing of the March 3, 2009 Office action.

It is respectfully submitted that it should not solely be the responsibility of the applicant to address this matter and to follow up on this matter. It is believed that the United States Patent and Trademark Office has a clear obligation under the rules to address this matter based upon the filing of the supplemental amendment on February 26, 2009. It is with great anticipation that the applicant's representative looks forward to the next written correspondence from the United States Patent and Trademark Office addressing this matter.

If there is any need to contact the applicant's representative, please feel free to contact the applicant's representative at the telephone number listed below.

Respectfully submitted,
PEARNE & GORDON, LLP

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Date: April 22, 2009